

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

|                            |   |                        |
|----------------------------|---|------------------------|
| MARGARET McCARTY,          | : | Case No. 3:10-cv-75    |
| Plaintiff,                 | : | Judge Timothy S. Black |
| vs.                        | : |                        |
| MICHAEL J. ASTRUE,         | : |                        |
| Commissioner of the Social | : |                        |
| Security Administration,   | : |                        |
| Defendant.                 | : |                        |

**ORDER APPROVING AGREED PETITION TO AWARD  
ATTORNEY'S FEES UNDER THE EQUAL ACCESS TO JUSTICE ACT (Doc. 19)**

Plaintiff and Defendant Commissioner jointly move this Court to award Plaintiff \$4,250.00 in fees and expenses under the Equal Access to Justice Act ("EAJA"). Under *Astrue v. Ratliff*, 130 S.Ct. 2521 (2010), any fee belongs to Plaintiff, rather than her attorney, and can be used to satisfy a pre-existing debt Plaintiff owes to the United States. However, if counsel for both parties can verify that Plaintiff does not owe any such debt, the Commissioner agrees to make the feed award payable to Plaintiff's attorney pursuant to an assignment agreement from Plaintiff.

Accordingly, pursuant to the agreed petition, the Court orders that Plaintiff is **AWARDED** fees and expenses under the EAJA in the amount of **\$4,250.00**.

**IT IS SO ORDERED.**

Date: 7/12/11

Timothy S. Black  
Timothy S. Black  
United States District Judge